

YOUTH SERVICES POLICY

Title: Youth Drug/Alcohol Testing Next Annual Review Date: 05/14/2010	Type: C. Field Operations Sub Type: 2. Security Number: C.2.7
	Page 1 of 8
References: ACA Performance-based Standards 4-JCF-4E-03, 4-JCF-4E-04, 4-JCF-4E-05, 4-JCF-4E-06; 4-JCF-5I-03; La. R.S. 15:827(4) and 875(C), YS Policies B.5.1 "Disciplinary Rules and Procedures for Juvenile Offenders" and C.5.1 "Performance Data and Information"; Standard Operating Procedures for Contract Providers Manual	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 05/14/2009

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S.36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To outline the procedures to be followed in the administration of drug/alcohol testing of youth.

III. APPLICABILITY:

Deputy Assistant Secretaries, Facility Directors, Regional Managers and those individuals named herein who have received instruction/training in the use of the approved testing instrument(s). Facility Directors and Regional Managers are responsible for ensuring that all necessary procedures are in place to comply with this policy.

IV. DEFINITIONS:

Double Screen Confirmatory Test - A second test that is conducted with the original sample (by a second officer) using another test screen for the specific drug detected in the original sample. All staff involved in the initial test must remain present throughout the process of the Double Screen Confirmatory Test.

Drug Testing - Any chemical, biological, or physical analysis or test administered for the purpose of determining the presence or absence of a drug or its metabolites and/or alcohol.

Illegal Substances - Controlled dangerous substances as defined in La. R.S. Title 40, alcohol, or any substance declared contraband or prohibited by policy and/or practice; any drug not dispensed according to a legal prescription in the original container, other than medications purchased over the counter that are still in their original form and container. Inappropriate use of another individual's valid prescription constitutes illegal drug use for the purpose of this policy.

Initial Test - The first analytical procedure to detect the presence of drugs or metabolites using approved drug-testing instruments.

Positive Results - Results at or above the cutoffs established by the Mandatory Guidelines for Federal Workplace Drug Testing Programs, Federal Register notice published April 13, 2004 (69 FR 19644) effective November 1 2004, and as amended.

Probable Cause - Probable cause is articulable knowledge supported by reasonable suspicion that contraband/drugs is being secreted. Probable cause exists when facts and circumstances within the employee's knowledge and about which he has reasonable, trustworthy information are sufficient to support a reasonable belief that an offense has been committed.

Random - A test performed according to agency established rates of a minimum of 5% of general population youth and 10% of specialized substance abuse units.

Reasonable Suspicion - Suspicion supported by information (facts, tips and circumstances) which leads an employee of ordinary caution to believe that a youth is using or secreting contraband/drugs. Factors to consider in determining reasonable suspicion include the following:

1. Nature of the tip or other information;
2. Reliability of the information;
3. Degree of corroboration of tip or other information; and
4. Other facts contributing to suspicion or lack thereof.

Routine - Normal activity that is within the scope of established day to day procedures.

Testing Instruments - Approved testing device.

V. POLICY:

The use of illegal substances and alcohol by youth presents a serious threat to health, public safety and to the security of a facility. Drug/alcohol testing of youth is an effective means by which to detect the use of illegal drugs or alcohol. Youth Services (YS) is committed to providing an effective substance abuse testing program to provide graduated sanctions and appropriate treatment options.

Positive tests will be responded to with appropriate sanctions and/or treatment intervention.

VI. PROCEDURES FOR SECURE CARE FACILITIES:

A. The following are approved methods for conducting the Drug and Alcohol Testing:

1. Contract laboratory facilities and contractually approved products and previously approved items in inventory;
2. Hospital laboratory facilities; and
3. Collection of urine specimens on-site by staff who have received the appropriate training in drug testing, devices and procedures.

All drug-testing services/equipment shall be procured according to applicable bid laws.

B. A youth shall be ordered to submit a urine sample or submit to a Breathalyzer test as follows:

1. When staff has a reasonable suspicion or indication that a youth is intoxicated or under the influence of drugs or alcohol;
2. When a youth is found to be in possession of suspected illegal drugs or alcohol, or when suspected illegal drugs or alcohol are detected or found in the youth's area of immediate control (see YS Policy No. B.5.1);
3. When a youth is observed to be in possession of, or using what appears to be illegal drugs or alcohol, but staff are unable to obtain the substance in question; and/or
4. As part of a Drug/Alcohol Random Testing conducted on the entire population of the facility, or on any identifiable unit of the facility or on

any identifiable program area, or on any identifiable subgroup of youth, or other acceptable method of random selection of individual youth or groups of youth, testing shall be conducted monthly on a minimum of 5% of the facility's youth. Additionally, 10% of the youth in the Residential Substance Abuse Treatment program are to be tested randomly each month.

- C. A youth shall be ordered to submit a urine sample or submit to Breathalyzer testing on a random or routine basis when he returns from an escorted or unescorted absence, an outside work detail or job, or any other program, work, or recreational activity outside of the facility.
- D. A youth shall be ordered to submit a urine sample or submit to Breathalyzer testing when he returns from or participates in a furlough.
- E. A youth for whom a urinalysis or Breathalyzer test is requested shall be reported to the appropriate supervisory staff for approval of the test as designated by the Facility Director. Form C.2.7 (a) entitled "Request for Drug/Alcohol Test" shall be used to document whenever a youth is identified by staff as requiring testing under this policy.
- F. A youth ordered to submit a urine sample or submit to Breathalyzer testing shall be informed of the underlying reason (whether suspicion, routine, or random) why he is being ordered to be tested.

If a youth refuses to be tested, he shall be informed that such refusal will be deemed a positive reading and will result in a charge of Contraband being lodged against him with appropriate classification, visiting, and disciplinary sanctions.

- G. The urine sample shall be obtained as follows:
 - 1. The youth shall be escorted to the facility hospital, clinic or other appropriate area;
 - 2. Specimen collection shall be witnessed by staff of the same gender as the youth. YS staff shall take all safety precautions when administering drug tests, including wearing latex gloves. Used screening kits, specimen cups and gloves shall be placed in a sealed bag and properly disposed of;
 - 3. Facility or medical staff shall ensure that the youth submits an unadulterated urine sample;

4. If the youth is unable to provide a urine sample immediately, he shall be detained until he is able to provide a sample, but no longer than three hours. If no sample is provided within three hours, this may be considered a refusal to submit a sample. A refusal will be deemed a positive reading and the youth will be charged with Contraband; and the staff witnessing the collection and submission of the sample by the youth shall so state on the "Request for Drug/Alcohol Test" form. Youth's refusal or inability to comply will also be documented by staff on an Incident Report.
- H. A positive urine sample shall be processed as follows:
1. Facility or medical staff shall label the sample with the youth's name, number, the date, name of staff witness and any other relevant identifying information;
 2. When not tested immediately, it shall be placed in a secured refrigerator (either locked or under supervision). Necessary chain of custody measures shall be taken.
 3. A positive urinalysis screening test result will require a Double Screen Confirmatory Test. This test will be conducted using an alternative screening instrument for the specific drug detected.
- I. Breath alcohol testing will be conducted with an approved device as outlined in Section V.A. of this policy. In the event of a positive breath alcohol reading, a repeat test is required.
- J. Tests can be administered only by those persons who have received instruction in the use of the testing instrument(s). All staff responsible for drug/alcohol testing and monitoring shall receive appropriate training and subsequent annual training. Training shall be documented in the employee's training file.
- K. Use of results:
1. A positive urinalysis or Breathalyzer test result may be used as evidence of the use of alcohol or the drug indicated by the result.
 2. Drug testing activities shall be reported on the Youth Drug/Alcohol Testing Report [Attachment C.2.7 (b)] according to requirements outlined in YS Policy No. C.5.1. The report will reflect urine screens conducted (random and probable cause) with breakdown totals showing number of tests conducted, number of positives, percentage of positives, number of negatives, and type of drug detected.

3. Results of positive drug/alcohol tests shall be provided in writing to the committing court.
4. When a youth is found guilty of a violation of "Contraband" by the Conduct Code Committee, he shall be interviewed by appropriate staff in an effort to determine the source of the drugs and/or alcohol and shall be counseled by his caseworker within 24 hours of the finding.

L. Sanctions:

1. When a youth is found guilty of a violation of "Contraband", he will be sanctioned in accordance with Y.S. Policy No. B.5.1.
2. A youth who tests positive for drug or alcohol use may be recommended for participation in an available and appropriate substance abuse program as determined by the facility's substance abuse coordinator or another qualified health care staff member. Such youth will also be subject to monthly testing, for a minimum of three months following the positive test result.
3. Restitution in the amount of the actual cost of the drug testing may be obtained from the youth when the test results are positive and after a finding of guilt by the Code of Conduct Committee.

M. Treatment:

1. YS strives to provide a variety of substance abuse treatment to meet the needs of the youth. Each facility's substance abuse coordinator/designee is responsible for planning and coordinating substance abuse treatment delivery and programs.
2. Youth shall be made aware of the availability of all substance abuse programs offered within YS by the facility's substance abuse coordinator/designee.
3. All treatment options shall be available following assessment of the youth's need for substance abuse treatment.
4. Upon completion of a substance abuse treatment program, a plan of continuing care shall be formulated for the youth to reflect future treatment needs. This plan may include aftercare while still in secure care and/or a community care plan following release.

VII. PROCEDURES FOR YOUTH NOT IN A SECURE CARE SETTING:

A. Testing:

All youth shall receive a drug screen within the first thirty (30) days of being placed under YS supervision. Youth in YS custody who are placed in a non-secure facility are subject to drug screens as stated in Standard Operating Procedures for Contract Providers, Section 5.5. In addition to required minimum testing of youth, screenings may be administered randomly or when there is reasonable suspicion a youth is using or in the possession of illegal drugs.

Tests can be administered only by persons who have received instruction/training in the use of the approved testing instrument(s). Specimen collection shall be witnessed by staff of the same gender as the youth. YS staff shall take all safety precautions when administering drug tests, including wearing latex gloves. Used screening kits, specimen cups and gloves shall be placed in a sealed bag and properly disposed.

B. Results and Sanctions:

All incidents of positive tests results shall be met with an appropriate sanction and/or treatment intervention, which may be a referral to a addictive disorder clinic or clinician for evaluation. Negative tests results should be reinforced with positive feedback.

C. Levels of Supervision:

1. Each youth assigned to the Red/High or Yellow/Medium level of supervision shall be tested at least quarterly. Youth may be tested more frequently if needed. Youth assigned to a Drug Court or in a similar program that conducts drug screens will meet the requirements for YS required minimum number of screenings.
2. Youth assigned to a Green level of supervision should be tested based on reasonable suspicion only, unless it is specified as a special condition of probation that youth submit to random drug screens.

D. Documentation:

Drug screens administered shall be documented in the youth's Case Management record as a Case Narrative - Significant Event - Drug Screen - Positive or Drug Screen -Negative.

YS Policy No. C.2.7
Page 8

E. Training:

All staff responsible for drug/alcohol testing and monitoring shall receive appropriate training on the use of the approved testing instrument and signs and symptoms of drug use on an annual basis. Training shall be documented in the employee's training file.

Previous Regulation/Policy Number: C-02-007 / C.2.7
Previous Effective Date: November 15, 1999



Attachments/References: C.2.7 (a) Request for Drug Alcohol Test May 2009.doc



C.2.7 (b) Youth Drug Alcohol Testing Report May 2009.doc